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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,) NO. CR 10-0583 RS

Plaintiff,)

v.)

NICANOR HERNANDEZ PEREZ,)
a/k/a NICANOR PEREZ)
HERNANDEZ,)

Defendant.)

**STIPULATION AND ~~PROPOSED~~
ORDER EXCLUDING TIME UNDER 18
U.S.C. § 3161**

On September 7, 2010, the parties in this case appeared before the Court. At that time, the Court continued the matter to September 28, 2010. The parties have agreed to exclude the period of time between September 7, 2010 and September 28, 2010, from any time limits applicable under 18 U.S.C. § 3161. The parties represented that granting the exclusion would allow the reasonable time necessary for effective preparation of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The parties also agree that the ends of justice served by granting such an exclusion of time outweigh the best interests of the public and the defendant in a speedy trial.

1 U.S.C. § 3161(h)(7)(A). At the hearing, the Court made findings consistent with this agreement.

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3 SO STIPULATED:

4 MELINDA HAAG (CABN 132612)
5 United States Attorney

6
7 DATED: September 21, 2010

8 /s/
9 LOWELL C. POWELL
Special Assistant United States Attorney

10
11 DATED: September 21, 2010

12 /s/
ELIZABETH FALK
Attorney for NICANOR HERNANDEZ PEREZ

~~PROPOSED~~ ORDER

For the reasons stated above and at the September 7, 2010 hearing, the Court finds that the exclusion from the time limits applicable under 18 U.S.C. § 3161 of the period from September 7, 2010 and September 28, 2010, is warranted and that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. §3161(h)(7)(A). Denying the requested exclusion of time would deprive the parties of the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. §3161(h)(7)(B)(iv).

IT IS SO ORDERED.

DATED: 9/22/10



THE HONORABLE RICHARD SEEBORG
United States District Judge